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ART UNIT	PAPER NUMBER
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Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

Office Action Summary	**Application No.** 10/680,335	**Applicant(s)** JAWERTH, BJORN	
	Examiner Samir Termanini	**Art Unit** 2193	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *07 October 2003*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-25* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-25* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☒ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *07 October 2003* is/are: a)☐ accepted or b)☒ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Drawings

The drawings are objected to because portions are missing from the right-hand side of Fig.4. The quality of Figs. 13-15 are poor, i.e. very dark, such that it is difficult to discern their contents.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Specification

1. The abstract of the disclosure is objected to because it contains the implied phrase: "Preferred embodiments of the present invention..." Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

2. The disclosure is objected to because it contains an embedded hyperlink and/or other form of browser-executable code. Applicant is required to delete the embedded hyperlink and/or other form of browser-executable code. See MPEP § 608.01. Appropriate correction is required.

3. The use of the trademark “CrossPointer” has been noted in this application. It should be capitalized wherever it appears and be accompanied by the generic terminology. Although the use of trademarks is permissible in patent applications, the proprietary nature of the marks should be respected and every effort made to prevent their use in any manner which might adversely affect their validity as trademarks.

Claim Rejections - 35 USC § 101

4. 35 U.S.C. 101 reads as follows:

> Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

5. **Claims 18-25** are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

Claims 18-25 are directed toward computer programs claimed as computer listings per se. They are neither computer components nor statutory processes, as they are not "acts" being performed. Such claimed computer programs do not define any structural and functional interrelationships between the computer program and other claimed elements of a computer to permit the computer program's functionality to be realized. In contrast, a claimed computer-readable medium encoded with a computer program is a computer element which defines structural and functional interrelationships between the computer program and the rest of the computer which permit the computer program's functionality to be realized, and is thus statutory. Accordingly, amending claims 18-25 to properly recite the required computer-readable medium encoded with the computer programs may overcome this rejection.

Claim Rejections - 35 USC § 102

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

7. **Claims 1-2, 5-14, 18-19, and 22-23** are rejected under 35 U.S.C. 102(e) as being anticipated by *Snyder et al.* (US 6,664,989 B1).

As to independent **claim 1**, *Snyder et al.* teach a method for providing a navigable (user controlled cursor commands, col. 1, lines. 65-67), context-sensitive (e.g. "...control over what symbology the cursor symbol may occlude." Col 6. lines 5-6) electronic display (e.g. the display shown in Fig. 5), comprising: providing a cross hairs that consists of objects forming an intersection, each object corresponding to a different geometrical dimension of the display (i.e. cross hairs 302/210, Fig. 3); communicating with an input device that provides signals to control movement of said cross hairs (Through use of cursor control device 104, user 102 may modify the flight-plan and/or other such indicia graphically in accordance with feedback provided by display 114." Col. 3, lines 4-7); and in response to signals received from said input device, configuring said cross hairs to point to a region on said display (Cursor control device 104 includes any device suitable to accept input from user 102 and convert that input to a graphical position on display 114. Col. 3, lines 8-10); wherein at least some data displayed on said display has an associated context (e.g. waypoint location, col. 5, lines 55-58); and wherein movement of said cross hairs on said display is based at least in part upon said context ("As the user attempts to move the cursor away from its initial position, the display computer moves the cursor directly to the next [waypoint] in the direction of the cursor's movement." Col. 5, lines 52-55; snapping between waypoints, *see also* col. 5, line 58).

As to independent **claim 18**, this claim differs from claim 1 only in that it is directed toward software per se, whereas claim 1 is directed toward a method. If this claim is amended by applicant to properly recite the required computer-readable medium encoded with the computer program it would be rejected for the same reasons as claim 1.

As to dependent **claim 2**, *Snyder et al.* further teach the method of claim 1 wherein the context of the data relates to one or more of the following: data files; image files; algorithmic descriptions; and locations on the screen chosen by the user. (e.g. "Data sources 108 include various types of data required by the system, for example, flight plan data, data related to airways, navigational aids [,] symbol textures, navigational data, obstructions, font textures, taxi registration, Special Use Airspace, political boundaries, COM frequencies [,] approach info, and the like." Col. 3, lines 32-37; *See also* e.g. "one or more waypoint symbols 212a, and line segments 209a connecting the waypoint symbols 208a, wherein the waypoint symbols 212a are associated with the current flight-path of the aircraft." Col. 4, lines 2-5).

As to dependent **claim 5**, *Snyder et al.* further teach the method as in claim 1 wherein the context of the data relates to a discrete set of points (objects, col. 5, lines 55-58).

As to dependent **claim 6**, *Snyder et al.* further teach the method as in claim 5 wherein said discrete set of points comprises landmarks (map locations, col. 5, lines 55-58).

As to dependent **claim 7**, *Snyder et al.* further teach the method as in claim 5 wherein said discrete set of points comprises markers (waypoints, col. 5, lines 55-58).

As to dependent **claim 8**, *Snyder et al.* further teach the method as in claim 5 wherein the cross hairs are automatically positioned to the nearest point in said discrete set of points (cross hair cursor is automatically positioned, i.e. snapped, to the nearest point, col. 5, lines 50-55; *see also* method 500 shown in FIG. 5).

As to dependent **claim 9**, *Snyder et al.* further teach a method as in claim 5 wherein a history of points in said discrete set of points (one or more waypoint 212a, Col. 2, line 4) to which said cross hairs has been previously positioned is maintained (current flight-path, Col. 4 lines 1-5).

As to dependent **claim 10**, *Snyder et al.* further teach a method as in claim 8 wherein the nearest point in said discrete set of points is defined in terms of spatial proximity ("distance algorithm", claim 1).

As to dependent **claim 11**, *Snyder et al.* further teach a method as in claim 8 wherein the nearest point in said discrete set of points is defined in terms of temporal proximity. (e.g. "object of interest," 19-20).

As to dependent **claim 12**, *Snyder et al.* further teach a method as in claim 1 wherein the context of the data relates to a set of points linked by one or more paths ("...line segments 209a..." Col. 4, line 3).

As to dependent **claim 13**, *Snyder et al.* further teach a method as in claim 12 wherein the cross hairs are positioned only on points (continuous cursor movements ...such that button controls "snap" [or] "cage"[,] to particular objects on screen", Col. 8, lines 9-14) within said set of points ("one or more waypoint symbols 212a..." Col. 4, lines 1-5) linked by one or more paths ("...line segments 209a connecting the waypoint symbols 208a..." Col. 4, lines 1-5).

As to dependent **claim 14**, *Snyder et al.* further teach a method as in claim 13 wherein movement along said set of points linked by one or more paths is controlled by an input device ("For example, four buttons on CCD 104..." Col. 7, lines 61-65).

As to dependent **claim 19**, this claim differs from claim 2 only in that it is directed toward software per se, whereas claim 2 is directed toward a method. If this claim is amended by applicant to properly recite the required computer-readable medium encoded with the computer program it would be rejected for the same reasons as claim 2.

As to dependent **claim 22**, this claim differs from claim 5 only in that it is directed toward software per se, whereas claim 5 is directed toward a method. If this claim is amended by applicant to properly recite the required computer-readable medium encoded with the computer program it would be rejected for the same reasons as claim 5.

As to dependent **claim 23**, this claim differs from claim 12 only in that it is directed toward software per se, whereas claim 12 is directed toward a method. If this claim is amended by applicant to properly recite the required computer-readable medium encoded with the computer program it would be rejected for the same reasons as claim 12.

Claim Rejections - 35 USC § 103

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

9. **Claims 3-4, 17, 20-21, and 25** are rejected under 35 U.S.C. 103(a) as being unpatentable over *Snyder et al.* in view of *Yokota et al.* (US 2003/0018427 A1).

As to dependent **claim 3**, *Snyder et al.* teach the limitations of claim 1, specifically addressed above. *Snyder et al.* do not expressly disclose the method as in claim 1 wherein said movement comprises zooming in and zooming out. *Yokota et al.* is cited for teaching the movement comprises zooming in and zooming out ("The cursor keys...62b are provided to move the cursor on the display...as well as to increase and decrease (zoom-up and zoomdown) the scale of the map image." para. [0053]). It would have been obvious to one of ordinary skill in the art, at the time the invention was made, to have used the movement comprising zooming in and zooming out of *Yokota et al.* with *Snyder et al.* because, in the same field of endeavor of navigation systems for displaying information involved in guiding a driver of a vehicle, *Yokota et al.* is directed to the same problem of controlling the operation of navigation systems having cross hair cursors with use of a limited number of control keys and expressly suggests the motivation for doing so to be: "...for maintaining safe driving, it is necessary to simplify the operation of the navigation system by simplifying the key arrangement in the navigation system such as reducing the number and kind of keys." (para. [0015]).

As to dependent **claim 4**, *Snyder et al.* teach the limitations of claim 1, specifically addressed above. *Snyder et al.* does not expressly disclose a method as in claim 1 wherein clicking or otherwise activating said cross hairs causes additional, context-based data to be displayed. *Yokota et al.* is cited for teaching: clicking or otherwise activating cross hairs to cause additional, context-based data to be displayed (...screen includes a balloon image which shows a message associated with an area specified by the cursor marker..." para. [0022]; *see also* Fig. 10B). Accordingly, the combination of *Snyder et al.* and *Yokota et al.* meet the claimed limitations for the same reasons set forth in the discussion of claim 3 above.

As to dependent **claim 17**, *Snyder et al.* teach the limitations previously discussed with respect to claim 1. *Snyder et al.* does not expressly disclose a method as in claim 1 wherein at least some displayed data is associated with more than one context and further comprising enabling a user to switch from one context to another. *Yokota et al.* is cited for teaching a method as wherein at least some displayed data ("information box 123 on the display screen," para. [0096]; *see also* "information box 23 on the display screen," para. [0007]) is associated with more than one context (e.g. restaurant, bank, gas station, hotel, ATM, para [0088]; *see also* "name" of establishment, "address", "phone number of the selected POI", "direction" to the selected POI, or "distance" to the selected POI from the current vehicle position. para. [0096]) and further comprising enabling a user to switch (e.g. by pressing the enter key 62a, para. [0089]; *see also* "POI icon can be individual icons created by the user," para. [0089]). from one context to another (different "...category of POI..." para. [0089]). Accordingly, the combination of *Snyder et al.* and *Yokota et al.* meet the claimed limitations for the same reasons set forth in the discussion of claim 1 above.

As to dependent **claims 20 and 21**, these claims differ from claims 3 and 4, respectively, only in that they are directed toward software per se, whereas claims claims 3 and 4, respectively, are directed toward methods. If these claims are amended by applicant to properly recite the required computer-readable mediums encoded with the computer programs they would be rejected for the same reasons as claims 3 and 4, respectively.

As to dependent **claim 25**, this claim differs from claim 17 only in that it is directed toward software per se, whereas claim 17 is directed toward a method. If this claim is amended by applicant to properly recite the required computer-readable medium encoded with the computer program it would be rejected for the same reasons as claim 17.

10. **Claims 15-16, and 24** are rejected under 35 U.S.C. 103(a) as being unpatentable over *Snyder et al.* in view of *Lewis* (US Patent No. 5,990,862 A).

As to dependent **claim 15**, *Snyder et al.* teach the limitations of claim 1, specifically addressed above. *Snyder et al.* does not expressly disclose a method as in claim 1 wherein the context of the data relates to image data that is divided into regions. *Lewis* is cited for teaching the context of data relating to image data (map of the selectable graphical items, Col. 1 line 64 to Col. 2 line 7) divided into regions ("The entire field is then divided into regions..." Col. 2, lines 5-6).]). It would have been obvious to one of ordinary skill in the art, at the time the invention was made, to have used the region dividing method of *Lewis* with *Snyder et al.* because *Lewis* teaches the region dividing method to "...greatly increase the ease of use of an input device such as mouse or other pointing device in a Graphical User Interface environment." (Col. 1, lines 52-55) Additionally, the the region dividing method is taught by *Lewis* to "...greatly increase the ease of use of an input device such as mouse or other pointing device in a Graphical User Interface environment." (Col. 1, lines 60-61).

As to dependent **claim 16**, *Snyder et al.* teach the limitations previously discussed with respect to claim 15. *Snyder et al.* does not expressly disclose a method as in claim 15 wherein the cross hairs can only be positioned at pre-defined locations within said regions. *Lewis* is cited for teaching a method as in claim 15 wherein the cross hairs can only be positioned at pre-defined locations within said regions ("Input coordinates from the input device, e.g., a mouse, are mapped to fall only within the logical regions corresponding to selectable items." Col. 2, lines 8-10; *See also* "When the mouse cursor crosses one of these logical boundaries, the mouse cursor will 'snap' into the next logical region...In this manner, the mouse cursor will always be in a selectable area." Col. 4, lines 30 -36). Thus, the combination of *Snyder et al.* and *Lewis* meet the claimed limitations for the same reasons set forth in the discussion of claim 15 above.

As to dependent **claim 24**, this claim differs from claim 15 only in that it is directed toward software per se, whereas claim 15 is directed toward a method. If this claim is amended by applicant to properly recite the required computer-readable medium encoded with the computer program it would be rejected for the same reasons as claim 15.

Conclusion

11. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

[1] US 6,037,936 A: Computer vision systems provide a user a view of a scene whereby an image of the scene may have been augmented with information generated by a computer.

[2] US 6,088,031 A: A method and device for apportioning the screen for a plurality of menu fields each to include a specified area surrounding a respective menu item, and enabling the menu item included in one of the menu fields indicated by the pointer of the pointing device to be selected.

[3] US 6,965,783 B2: A hand held communication device comprising a display, said display in use have a plurality of different regions, at least one function being selectable via at least one region; and a touch sensitive region, said touch sensitive area being arranged so that movement with respect to the touch sensitive area region causes an indicator to move across said display, wherein said indicator is arranged to move only from one region to another.

12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Samir Termanini whose telephone number is (571) 270-1047. The examiner can normally be reached on 9AM - 4PM, Monday-Friday (alternating Fridays off).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chanh Nguyen can be reached on (571) 272-7772. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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/ST/

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SUPERVISORY PATENT EXAMINER